

REMARKS

In view of the amendments and remarks that follow, Applicants respectfully submit that the application is in condition for allowance. Accordingly, applicants request reconsideration of the application, withdrawal of the rejections of record and issuance of a Notice of Allowance.

Claims 1-32 and 35-42 are pending in the application. Claims 1-29 and 35-39 are allowed and Claims 40-42 are rejected for the reasons of record. Claims 40-42 have been amended in order to put the application in condition for allowance. The amendments are not considered to involve the addition of new matter and entry of the amended claims is respectfully requested.

A new substitute specification is being submitted herewith in order to correct the SEQ ID NOS to comply with the sequence rules. No new matter is contained within the substitute specification submitted with this response.

The examiner has noted that the Sequence Listing filed October 8, 2003 is objected to because "not all of the amino acid sequences disclosed in the specification and claims subject to the sequence disclosure rules are recited in the Sequence Listing. The examiner points to the elected sequence saying that the elected sequence comprises 7 amino acids and SEQ ID NO: 52 of the proposed new sequence has only 4 amino acid residues. The office notes that "[m]odified and non-natural amino acids such as γ -E and O-benzyl-S are to be represented with the abbreviation Xaa (according to 37 CFR 1.822 (b)). The office notes that these are not to be ignored and omitted from the sequence listing.

Applicants respectfully disagree that amino acid sequences subject to the disclosure rules are not found. However, in order to expedite the allowance of this application, a substitute sequence listing in computer readable form and a substitute paper copy is submitted with this response.

The office also notes that the disclosure is objected to because SEQ ID NOS have not been inserted after every amino acid sequence subject to the sequence disclosure rules. The office points to sequences at e.g., pages 21, 22, 24, 26-34, 42, 43 and 48, and throughout the Examples of the substitute specification filed October 8, 2003. The office also notes that of the amino acid sequences identified, many do not correspond with the

SEQ ID NO as defined in the Sequence Listing filed October 8, 2003. The office has required corrections to the specification in the form of a substitute specification, including a marked-up copy and a statement of no new matter. These are being submitted with this response.

Applicants submit that the substitute specification is proper, contains no new matter and should be approved.

Applicants gratefully acknowledge the allowance of Claims 1-29 and 35-39.

Rejections Under 35 U.S.C. § 112, second paragraph

Claim 40-42 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In particular, the office notes that these claims are indefinite because the amino acid sequence γ -E -P-L-G-(O-benzyl-S)-Y-L does not correspond with SEQ ID NO: 52 as defined in the Sequence Listing filed October 8, 2003. The office notes that the sequence as recited in the claims comprises 7 amino acids, whereas SEQ ID NO: 52 of the Sequence Listing filed October 8, 2003 has only 4 amino acids.

Applicants respectfully traverse this ground of rejection and present the following comments. While disagreeing with the office's comments, Applicants have amended the Sequence Listing to include all of the sequences in the original filing. Applicants submit that this amended listing puts Claims 40-42 in condition for allowance.

Applicants gratefully acknowledge the office's comments on page 4 of the action indicating that applicants' amendments to the claims have overcome the prior art rejections set forth in the Office action mailed May 8, 2003. Applicants' also acknowledge the comments relative Claims 40-42 and have amended these claims to overcome the rejection of record.

In view of the foregoing, Applicants submit that the application, as amended, is in condition for allowance and courteously solicit a Notice of Allowance.

If any fee due is not accounted for herein, please charge such fee to Deposit Account No. 19-3880. If any extension of time is required and not petitioned for, such extension is hereby petitioned for, and it is requested that any fee due in connection therewith be charged to the aforementioned Deposit Account.

The foregoing amendment and response are believed to be fully responsive to the outstanding Office Action. If a direct personal communication would advance the prosecution of this application, please contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Elliott K', is written over a horizontal line.

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